

**Decision Notice and Finding of No Significant Impact
for
Daves Creek Stream Restoration Project
September 2008**

Chugach National Forest
Seward Ranger District
PO Box 390
Seward, Alaska 99664

Decision

It is my decision to implement the Proposed Action as described in the *Daves Creek Stream Restoration Project Environmental Assessment* (Daves Creek EA). The Daves Creek EA is the supporting environmental analysis for this decision. In addition, the *Chugach National Forest Revised Land and Resource Management Plan* (Forest Plan) is incorporated by reference.

The decision will allow for the following activities to occur:

- (1) Replacement of the existing Tern Lake outlet culvert with a bridge in order to improve fish migration and improve conveyance of flood flows. The Tern Lake outlet will be constructed to maintain the low-water lake level.
- (2) Restoration of up to 2,000 feet of the Daves Creek stream channel, creating a new meandering stream channel that mimics natural conditions, with pool-riffle sequences, floodplains, woody debris, rearing habitat, and spawning areas. Stream banks and floodplains will be re-vegetated with native plant species.
- (3) Replacement of the existing fish-viewing platform at the Tern Lake outlet and accessible improvements to existing trails in the immediate vicinity of the Tern Lake outlet.

These activities will occur over a 2-year period, with restoration activities occurring for up to approximately 3 months per year. In-stream restoration activities would be limited to the 2-month period between May 15 and July 15, as required by the Alaska Department of Fish and Game, to minimize impacts to spawning or rearing salmon. This decision will require the construction of approximately 0.4 miles of temporary access roads for equipment in order to accomplish the stream channel restoration. Equipment will include excavators, a D-5 to D-8 bulldozer, rock trucks, and a tree skidder. The temporary access roads will be reclaimed upon completion of the project. See Daves Creek EA pp. 2-3 and 5-7 for a more detailed description of the Proposed Action.

Applicable Forest Plan Direction and Forest Service Policy

The Proposed Action incorporates the following forest-wide standards and guidelines, Best Management Practices (BMPs), Forest Service policy, and Forest Plan direction:

- Region 10 Best Management Practices as described in the Forest Service Handbook (FSH) 2509.22 – *Soil and Water Conservation Handbook* Sections 12 through 18
- US Forest Service, Pacific Northwest Region *General Water Quality Best Management Practices*
- Forest Plan Standards for Air Quality (Forest Plan pg. 3-22)
- Forest Plan Standards for Wildlife (Forest Plan pp. 3-28 through 3-33)
- Forest Plan Standards for Threatened, Endangered, or Sensitive Plant Species (Forest Plan pg. 3-27)
- Forest Plan Standards for Soils (Forest Plan pp. 3-22 through 3-23)
- Forest Plan Standards for Heritage Resources (Forest Plan pg. 3-34)
- 312 Fish, Wildlife, and Recreation Management Area Direction (Forest Plan pp. 4-63 through 4-65).

Mitigation

The following mitigation is required under this decision to reduce any potential adverse environmental consequences:

- New stream channel segments will be constructed “in the dry” wherever possible, and stream diversions will be kept to a minimum to limit turbidity plumes. Construction berms or silt fences will be used to contain construction-related sediment runoff when excavation and grading work takes place adjacent to Daves Creek and Tern Lake.
- All in-channel stream work will occur during the Alaska Department of Fish and Game in-stream construction timing window, May 15 to July 15, to minimize impacts to spawning or rearing salmon.
- Source materials, such as topsoil, will be free of weeds or non-native species.
- If soil begins crusting, hardening, or cementing, it will be cultivated before replanting.
- Retain as many as possible of the current largest spruce, cottonwood, and birch trees.
- Retain at least 120 pieces of downed wood (largest available) per acre if possible.
- Following channel restoration, plant or regenerate with spruce, black cottonwood, willow, and alder.
- Thin spruce and retain larger spruce and cottonwood trees to encourage a more mature forest near the highway.
- Develop screened foraging habitat from the Sterling Highway where possible.

Rationale for the Decision

I have reviewed the Council on Environmental Quality Regulations for “significance” (40 C.F.R. §1508.27) and I have determined that this decision is not an action that would significantly affect the quality of the human environment either individually or cumulatively; nor would this decision affect the quality of the human environment in either context or intensity. Therefore, an environmental impact statement (EIS) will not be prepared. This conclusion and finding is based on the following factors:

Context	Intensity	Reason not Significant
Disturbance to watersheds, hydrology, and fisheries resources	Minimal or none.	Project design and mitigation measures were developed to minimize or eliminate any adverse effects to the watershed and fisheries resources (see Daves Creek EA pp. 8-10). This decision is expected to improve fisheries habitat and result in a more natural hydrological function on Daves Creek (see Daves Creek EA pp. 30-34).
Disturbance to wildlife habitat.	No more than 32.6 acres; Temporary (project activities will be completed over a period of up to 6 months).	The project area is not considered critical habitat or necessary habitat for any wildlife species. This decision is not expected to have any meaningful effect on any species population viability either generally or locally because of the small size of the project area relative to the size of the existing intact habitat for these species (see Daves Creek EA pp. 38-39).
Disturbance to plant ecology and botany	Minimal potential for spread or establishment of non-native plant species. No effect to sensitive plant species	All imported soil or gravel materials will be weed-free in order to reduce the potential for the spread of non-native plant species (see Daves Creek EA pp. 39-40).
Disturbance to recreation use of the Tern Lake area.	Recreation facilities will not be available for about 1 month. Noise may be heard by recreation users in the project area for about 3 to 6 months over a 2-year period.	Replacement of the culvert will only prevent public access to the picnic area, fish-viewing platform, and restroom for about one month. Noise may disrupt the recreation experience for about 3 to 6 months over a two-year period (see Daves Creek EA pg. 40).
Effects to the Seward Scenic Highway	Project activities will be noticeable from the Seward Highway for 2 years. After 2 years, the area will appear more natural than present conditions.	Although the Tern Lake/Daves Creek area is a scenic and recreation resource, it is not a predominant factor in designating the Seward Highway as "scenic." In addition, the adverse effects are short term (2 years), with a long term improvement in scenic resources in the project area (see Daves Creek EA pg. 41).

Public Involvement

The public has been invited to participate in the project in the following ways:

- (1) The proposal was listed in the Schedule of Proposed Actions (SOPA) on January 1, 2008.
- (2) The proposal was provided to the public and other agencies for comment during scoping from February 27, 2008 through April 2, 2008.
- (3) The Forest Service held a public meeting on March 8, 2008 at the Kenai Lake Work Center.
- (4) The Daves Creek EA was circulated for a 30 day public comment period on August 14, 2008.

Consistency

National Forest Management Act – The proposed action is consistent with the Forest Plan, and a Forest Plan amendment is not required. The project area is located within the 312 Fish, Wildlife, and Recreation Management Area Prescription. Stream restoration projects are an allowable use within this management area prescription.

Endangered Species Act – Biological evaluations were completed for threatened, endangered, proposed, and sensitive plant and animal species. No threatened and endangered plant or animal species would be affected by this decision because their habitat does not exist in the project area.

Bald Eagle Protection Act – Management activities within bald eagle habitat will be in accordance with a Memorandum of Understanding between the Forest Service and the U.S. Fish and Wildlife Service (Forest Plan Appendix G-7). There are no known bald eagle nests within the project area.

ANILCA Section 810, Subsistence Evaluation and Finding – There is no documented or reported subsistence use that would be restricted by this decision. For this reason, this decision will not result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.

Coastal Zone Management Act (CZMA)

Under the Coastal Zone Management Act (CZMA), Federal agency activities within the coastal zone must be consistent with the Alaska Coastal Management Program (ACMP). This is a federal agency activity as defined in 15 CFR 930.51(a). The State of Alaska has requested a determination of ACMP consistency, which the Forest Service will provide prior to implementation of this decision.

National Historic Preservation Act of 1966 – Section 106 of the National Historic Preservation Act requires that all federal undertakings follow the regulations found at 36 CFR §800 to identify and protect cultural resources that are within the project areas and which may be affected by projects. In accordance with these regulations, a finding of "no historic properties affected" has been reached by the Forest Service. This finding will be

submitted to the Alaska State Historic Preservation Officer as part of the 2008 Annual Report.

Executive Order 12898 – Environmental Justice – Implementation of this decision is not anticipated to cause disproportionate adverse human health or environmental effect to minority or low-income populations because it is not expected that the stream restoration activities, culvert replacement, or recreational site improvements will cause any adverse effects to human health.

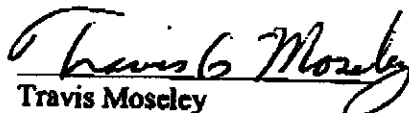
Clean Air Act – Emissions anticipated from the implementation of this decision would be of short duration and are not expected to exceed State of Alaska ambient air quality or particulate matter standards (18 AAC 50).

Executive Order 13112 – Invasive Species – Invasive species populations have little potential to spread in the project area, and mitigation measures will be taken to further minimize the risk (see Daves Creel EA pp.39-40).

Implementation Date

As required by Forest Service appeal regulations found at 36 CFR 215.5, a legal notice of the opportunity to comment on the proposed action was published in the Anchorage Daily News newspaper in Anchorage, Alaska on 8/14/2008. The 30-day comment period ended on 9/13/2008, and no comments expressing interest were received. Pursuant to Forest Service appeal regulations at 36 CFR 215 this decision is therefore not subject to appeal.

Implementation of this action may occur immediately upon publication of a legal notice of this decision in the *Anchorage Daily News* newspaper, published in Anchorage, Alaska; and upon determination of consistency with the Alaska Coastal Management Program.


Travis Moseley
Seward District Ranger

9/25/08
Date